

REPORT OF Senior Solicitor and Monitoring Officer
To: Standards Committee
Subject: Applications for Dispensation – Councillors Margaret Brown and Cathrine Simmons
Date: 21 December 2016 **Reference:** JH

PURPOSE OF REPORT: To decide whether to grant a dispensation

1. INTRODUCTION

A Councillor who has a registerable interest in a matter, unless that interest relates to an appointment to an outside body, must not take part in the discussion or the vote on that matter and must leave the room while the discussion is taking place.

A Councillor with a registerable interest can seek a dispensation under the Council's Code of Conduct for Members. This report deals with 2 such requests for dispensation.

2. REPORT

Section 33 of the Localism Act states that an authority may grant a dispensation relieving a Councillor from the restrictions on voting or taking part in the discussion on a matter.

The dispensation must specify how long it has been granted for and that period can not exceed 4 years. Therefore a dispensation can be granted allowing a Councillor to speak or vote or both on a matter at any time in the following 4 years, or for a shorter period of time.

Before granting a dispensation, the authority must be satisfied, after considering all of the circumstances, that the dispensation is justified by reference to a particular condition set out in s33(2) of the Act. The relevant conditions are:

- (a) That so many members of the decision-making body have an interest preventing participation that it would 'impede the transaction of the business'. In practice, this means that the decision-making body would be inquorate as a result;
- (b) That without the dispensation, the representation of different political groups on the decision-making body would be so upset as to alter the outcome of any vote on the matter;
- (c) Granting the dispensation is in the interests of persons living in the authority's area; or
- (d) It is otherwise appropriate to grant a dispensation.

Two requests for dispensation have been received, both from Councillors who are members of the STITCH Group (Save The Irreplaceable Torrington Community Hospital). The requests are from Councillors Margaret Brown and Cathrine Simmons, both ward members for the Torrington area.

A dispensation was previously granted in relation to both Councillors by the Standards Committee on 8 August 2014 in relation to the same matter. Those dispensations were for a period of 2 years, but the continued activity of the STITCH Group has led to further requests for dispensation.

For reference, the initial requests for dispensation, including the reasons for and scope of the dispensations sought are set out in emails attached as Appendix A to this report. Essentially, both Councillors wish to continue to be able to speak and vote on matters concerning the Torrington Community Hospital for an extended period of time of up to the permissible 4 years.

The earlier dispensations applied to any committee or full Council and were the same for both Councillors. It is recommended the same consistent approach is taken in relation to the current requests.

It is for Members to decide whether the granting of a dispensation is in accordance with the conditions set out in section 33(2) and the terms of any dispensation granted.

3. IMPLICATIONS

Legal Implications

There are no legal implications from this decision, although there clearly are if a Member with a registerable interest speaks or votes without a dispensation.

Financial Implications

There are no financial implications

Human Resources Implications

There are none identified

Sustainability Implications

There are none identified

Equality/Diversity

There are none identified

Risk Management

There are none identified

Compliance with Policies and Strategies

There are no non-compliance issues.

Ward Member and Leader Member Views

Not applicable

4. CONCLUSIONS

It is for Members to now consider whether a dispensation should be granted after considering all of the relevant circumstances.

5. RECOMMENDATIONS

That Members either:

- (a) Grant a dispensation to one or both Councillors, specifying the scope and duration of that dispensation; or
- (b) Refuse the grant of a dispensation to one or both Councillors.

SUPPORTING INFORMATION

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| Consultations: | None |
| Contact Officer: | Jamie Hollis |
| Background Papers: | Code of Conduct Localism Act |

Appendix A:

Chairman Cllr Sam Robinson

I am writing to ask your Committee to grant a dispensation in order that I may both speak and vote on the subject of the NHS/ Clinician Care Closer to Home Pilot Scheme which affects my constituents in Great Torrington.

At this time I am chairman of the STITCH group SAVE THE IRREPLACEABLE TORRINGTON COMMUNITY HOSPITAL which is campaigning for more consultation and the right to be listened to when the Trust are coming to any decision affecting its future.

A dispensation will allow me to take a full part in discussions at the External Scrutiny Committee meetings on this subject .

Yours Sincerely
Margaret Brown Cllr

Dear Jamie

I reply to the email as follows:-

* The organisation to which I belong is called STITCH (Save The Irreplaceable Torrington Community Hospital). I has representatives from the League of Friends, 4 Town Councillors including the Mayor, medical representatives and other interested people. There are around 10 regular attenders at the meetings. It is fully supported by the town council which is covering some of its expenses. It has a building society account which holds a small amount of funds for further expenses. There is a mission statement.

* I would like to be able to vote on matters concerning the closure of Torrington Community Hospital and matters connected to this as I feel I represent the views of the town as their elected representative and also as a member of STITCH

* My interest in the Community Hospital is as a local resident, member of STITCH and an elected representative of the community both as a town councillor and a district councillor

* I feel it is necessary to have this dispensation because I feel that the views of the residents of Torrington will not be represented if I do not have a vote. There was a referendum so the view of the residents is clear but I also need the support of the Standard Committee to provide clear approval for this view point.

* I wish to be able to speak to any matter concerning the closure of the Torrington Community Hospital and other matters concerning the hospital and also to vote on any resolutions.

I hope this covers the points raised
kind regards Cathrine